

AMENDED IN SENATE JULY 2, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1569

Introduced by ~~Committee on Veterans Affairs (Salas (Chair), Cook (Vice Chair), Huber, Lieu, V. Manuel Perez, and Yamada)~~ Assembly Member Salas
(Principal coauthor: Senator Romero)

March 16, 2009

~~An act to amend Sections 68074 and 68075 of the Education Code, relating to student tuition. An act to amend Section 51222 of, and to add Section 51242.1 to, the Education Code, relating to physical education.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1569, as amended, ~~Committee on Veterans Affairs Salas. Postsecondary education: tuition: veterans. Physical education.~~

Existing law requires all pupils who are not otherwise exempt to attend courses in physical education for a total period of time of not less than 400 minutes each 10 schooldays.

This bill would authorize the governing board of a school district to exempt any high school pupil from courses in physical education if the pupil participates in California Cadet Corps, cheer team or dance team, color guard or drill team, Junior Reserve Officer Training Corps, or marching band as part of the regular course of study or regular school-sponsored extracurricular activities. The bill would specify minimum standards for the physical education substitute courses and require that a certificated employee with an appropriate credential teach the course of study. The bill also would make other technical and clarifying changes.

~~(1) Existing law establishes uniform student residency requirements for purposes of ascertaining the amount of fees to be paid by students at public institutions of higher education in the state. Existing law entitles an undergraduate student who is a dependent of a member of the Armed Forces stationed in this state on active duty to resident classification for purposes of determining the amount of tuition and fees. Existing law entitles a graduate student, under the same circumstances, to resident classification for no more than one academic year, after which he or she is subject to the general provisions otherwise establishing student residency requirements.~~

~~Existing law allows a student dependent of a member of the Armed Forces to keep his or her resident classification until he or she has resided in the state for the minimum time necessary to become a resident in the event the member of the Armed Forces upon whom they are dependent is transferred outside of the state or retires as an active member of the Armed Forces.~~

~~Existing law also grants a member of the Armed Forces who is stationed in the state on active duty, except a member assigned for educational purposes to a state-supported institution of higher education, to resident classification for tuition purposes. A member of the Armed Forces seeking a graduate degree is entitled to resident classification for no more than 2 academic years.~~

~~Federal law prohibits a state receiving federal assistance under the Higher Education Opportunity Act from charging a higher rate for attendance at a public institution of higher education than is charged to residents of the state to a member of the Armed Forces who is on active duty for more than 30 days and whose domicile or permanent duty station is in the state, or to his or her spouse or dependent child. Existing federal law requires that the rate continue to apply so long as the member or his or her spouse or dependent child is continuously enrolled at the institution, notwithstanding a subsequent change in the permanent duty station of the member to a location outside of the state.~~

~~This bill would amend state law to conform with federal law granting a member of the Armed Forces, or his or her dependent, as provided, entitlement to resident classification for so long as he or she is continuously enrolled.~~

~~The bill would request the Regents of the University of California to establish the same residency requirements as those established by this bill for students enrolled at the University of California.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. It is the intent of the Legislature to provide school*
2 *districts with the statutory authority to continue providing as*
3 *substitutes for physical education those high school courses and*
4 *activities that require vigorous physical activity, promote pupil*
5 *and parent engagement, and foster pupil achievement across the*
6 *state.*

7 *SEC. 2. Section 51222 of the Education Code is amended to*
8 *read:*

9 51222. (a) All pupils, except pupils excused or exempted
10 pursuant to ~~Section~~ *Sections 51241, 51242, and 51242.1*, shall be
11 required to attend ~~upon~~ *the* courses ~~of~~ *in* physical education for a
12 total period of time of not less than 400 minutes each 10
13 schooldays. Any pupil may be excused from physical education
14 classes during one of grades 10, 11, or 12 for ~~not to exceed 24~~
15 ~~clock~~ *a time period less than 24* hours in order to participate in
16 automobile driver training. ~~Such~~ *A* pupil who is excused from
17 physical education classes to enroll in driver training shall attend
18 ~~upon~~ a minimum of 7,000 minutes of physical education instruction
19 ~~during such~~ *that* school year.

20 (b) The governing board of each school district that maintains
21 a high school and that elects to exempt pupils from required
22 attendance in physical education courses pursuant to paragraph
23 (1) or (2) or both of subdivision (b) of Section 51241 shall offer
24 those *exempted* pupils ~~so exempted~~ a variety of elective physical
25 education courses of not less than 400 minutes each 10 schooldays.

26 *SEC. 3. Section 51242.1 is added to the Education Code, to*
27 *read:*

28 51242.1. (a) *The governing board of a school district that*
29 *provides the following courses or programs as part of the regular*
30 *course of study or as part of the regular school-sponsored*
31 *extracurricular activities may exempt any high school pupil who*
32 *has completed such a course or program from courses in physical*
33 *education:*

34 (1) *California Cadet Corps.*

35 (2) *Cheer team or dance team.*

- 1 (3) *Color guard or drill team.*
- 2 (4) *Junior Reserve Officer Training Corps.*
- 3 (5) *Marching band.*

4 (b) *Any course or program that qualifies high school pupils for*
 5 *the exemption in subdivision (a) shall include not less than 400*
 6 *minutes of the physical education substitution each 10 school days,*
 7 *and shall support a course of study that includes any of the*
 8 *following physical education content areas: effects of physical*
 9 *activity upon dynamic health; mechanics of body movement;*
 10 *aquatics; gymnastics and tumbling; individual and dual sports;*
 11 *rhythms and dance; team sports; and combatives.*

12 (c) *Any regular course of study for which a high school pupil*
 13 *receives course credit and which qualifies her or him for the*
 14 *exemption in subdivision (a) shall be taught by a certificated*
 15 *employee of the school district who holds an appropriate credential*
 16 *to teach that course.*

17 (d) *Any regular school-sponsored extracurricular activity that*
 18 *qualifies a high school pupil for the exemption in subdivision (a)*
 19 *shall have a certificated employee of the school district serve as*
 20 *the sponsor of the activity at the schoolsite.*

21 (e) *The governing board of a school district that provides pupils*
 22 *with an exemption pursuant to this section shall ensure that all of*
 23 *the courses, programs, and activities offered pursuant to*
 24 *subdivision (a) are in compliance with state and federal laws.*

25 SECTION 1. ~~Section 68074 of the Education Code is amended~~
 26 ~~to read:~~

27 ~~68074. (a) A student who is a natural or adopted child,~~
 28 ~~stepchild, or spouse who is a dependent of a member of the Armed~~
 29 ~~Forces of the United States stationed in this state on active duty is~~
 30 ~~entitled to resident classification only for the purpose of~~
 31 ~~determining the amount of tuition and fees.~~

32 ~~(b) If that member of the Armed Forces of the United States,~~
 33 ~~whose dependent natural or adopted child, stepchild, or spouse is~~
 34 ~~in attendance at an institution, (1) is thereafter transferred on~~
 35 ~~military orders to a place outside this state where the member~~
 36 ~~continues to serve in the armed forces of the United States, or (2)~~
 37 ~~is thereafter retired as an active member of the Armed Forces of~~
 38 ~~the United States, the student dependent shall not lose his or her~~
 39 ~~resident classification so long as he or she remains continuously~~
 40 ~~enrolled at that institution.~~

1 ~~SEC. 2.~~ Section 68075 of the Education Code is amended to
2 read:

3 ~~68075. (a) A student who is a member of the Armed Forces~~
4 ~~of the United States stationed in this state on active duty, except~~
5 ~~a member of the Armed Forces assigned for educational purposes~~
6 ~~to a state-supported institution of higher education, is entitled to~~
7 ~~resident classification only for the purpose of determining the~~
8 ~~amount of tuition and fees.~~

9 ~~(b) If that member of the Armed Forces of the United States~~
10 ~~who is in attendance at an institution is thereafter transferred on~~
11 ~~military orders to a place outside this state where the member~~
12 ~~continues to serve in the Armed Forces of the United States, he or~~
13 ~~she shall not lose his or her resident classification so long as he or~~
14 ~~she remains continuously enrolled at that institution.~~

15 ~~SEC. 3.~~ The Legislature hereby requests the Regents of the
16 University of California to establish the same residency
17 classifications for students enrolled at the University of California
18 as those enacted by this act.

19 ~~SEC. 4.~~ If the Commission on State Mandates determines that
20 this act contains costs mandated by the state, reimbursement to
21 local agencies and school districts for those costs shall be made
22 pursuant to Part 7 (commencing with Section 17500) of Division
23 4 of Title 2 of the Government Code.